

REMARKS

Election

In response to the Restriction Requirement, applicants hereby elect Group I. However, the Restriction is respectfully traversed.

First, it is noted that the Restriction only deals with claims 1-9. However, in the Second Preliminary Amendment filed January 4, 2006, applicants amended claims 2 and 3 and added new claims 10-20. Claims 10-18 are directed to multilayer structures and are dependent, directly or indirectly, on claim 1. Claims 19-20 are method claims. Thus, Group I should include, at a minimum, claims 1-5 and 10-18. Copies of the Second Preliminary Amendment and the PTO stamped receipt postcard are enclosed.

In the rejection, the Examiner refers to MPEP 806.4(b), third paragraph. This paragraph does refer to the possibility of claims being in intermediate-final product relationship. However, this section of the MPEP refers the reader to MPEP 806.5(j), which provides more detail regarding a restriction between intermediate and final product. Specifically, MPEP 806.5(j) states that:

As an example, an intermediate product and a final product can be shown to be distinct inventions if the intermediate and final products are mutually exclusive inventions (not overlapping in scope) that are not obvious variants, and the intermediate product as claimed is useful to make other than the final product as claimed. **Typically, the intermediate loses its identity in the final product.** (emphasis added)

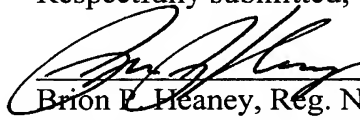
In the instant case, claims 6-8 do not specify a "final product" but instead merely describe the shape of the multilayer structure generically recited in claim 1. These embodiments are encompassed by the generic claim 1, i.e., the shapes recited in claims 6-8 are still multilayer structures. This is evident from the fact that claims 6-8 depend from claim 1. Moreover, as one of ordinary skill in the art would readily recognize, the multilayer structure of claim 1 does not lose its identity when it is formed into a shape recited in claims 6-8. Thus, contrary to the assertion in the Restriction, claims 6-8 are not in intermediate-final product relationship with the multilayer structure of Group I.

As for claim 9, this claim is clearly related to the subject matter of Group I since it recites the same graft copolymer as recited in claim 1.

In view of the above remarks, withdrawal of the Restriction and examination of all pending claims is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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